

Processed Products

In the area of value-added food product sales at farmers' markets, vendors have three general options: 1) Sales of "commercially" processed foods that were manufactured by someone else (in this case see your local health department regarding obtaining a prepackaged retail sales permit); 2) Sales of Home-based Processed and Home-based Microprocessed foods that you processed under the Farmers' Markets rules; and 3) Sales of "commercially" processed foods that you, the vendor, manufactured under a commercial permit. It is important to remember that, depending on the exact circumstances surrounding a product's manufacturing, storage, and distribution, separate permits may be required at the following locations: the location where the product is manufactured (permit to manufacture or process food); if stored in a separate location from the manufacturing site, a food storage warehouse permit; and at the location where customer sales occurs (prepackaged retail sales permit). For these reasons, it is important that you make every effort to communicate your manufacturing and sales plans to state and local health department officials, as well as your market manager or board.

Even though a product may be permissible or permitted by the state or local health department, the market may choose to not allow the sale of a particular product or products. In short, markets may make their own rules regarding what can and can't be sold at the market as long as the rules do not conflict with federal, state and local food safety rules. For instance, some markets do not allow Home-based Processed or Home-based Microprocessed products because their insurance won't allow it. Some markets choose to minimize risk by not allowing any processed product of any kind to be sold. Other markets choose to allow only the sales of commercially processed products. Remember, value-added foods processed under either the Home-based Processor registration or Home-based Microprocessor Certification are not approved for sales/marketing to restaurants and other "commercially" permitted food establishments.

You should always check with both your market and appropriate state/local food safety authorities before you plan to process and sell any of the products mentioned below, or in other sections of this manual. Producers should be aware that processing a product, even minimally, increases the level of liability risk undertaken by the producer.

Processed products fall into two categories: Home-based Processed/Home-based Microprocessed and commercially processed product. Specific information on Home-based processed/microprocessed foods is included elsewhere in this manual. Farmers' market vendors who sell "commercial" grade prepackaged, manufactured food products – products that are processed by others or are processed by the producer in a "commercially" permitted facility – are generally required to obtain a "prepackaged retail food store" permit from their local health department in order to sell these products at a farmers' market. Each vendor, or in some cases the market as a whole, must meet the minimum requirements for this type of permit to be issued.

Remember, "prepackaged" means that there is no on-site cutting, slicing or other forms of processing. In general, a farmers' market location (or vendor) may meet the minimum requirements for a prepackaged retail market permit by providing the following: a

restroom with an approved hand wash station; adequate facilities and equipment to maintain required frozen or cold-holding temperatures for foods being marketed; and a means to protect your prepackaged product from both pests and the elements (rain, dust, etc.).

In non-permanent locations, where restrooms are accessible at a nearby business and approval is granted for their use, the local health department MAY consider the restroom requirement as having been met. For non-permanent farmers' markets sites where no restroom facilities are readily accessible (such as a parking lot, etc.), restroom requirements may be met by providing an adequate number of port-a-johns, with those vendors marketing foods that would necessitate a prepackaged retail food store permit, providing an approved hand wash station (i.e., 5 gallon container of potable water that is equipped with a turn-spout dispenser and catch bucket placed below, with liquid soap and disposable towels) at their stand.

Farmers are bringing new and different products to the markets every season. The list that follows is not all-inclusive. It is intended to give some guidance on some more common products. The key to remember is that all products must come from an "approved" source. This means that processed foods offered for sale at a farmers' market must have been produced under a "commercial" permit, or depending upon the specific food item, a Home-based Processor Registration or Home-based Microprocessor Certification. Remember, in order for a food item to qualify under the Home-based Processor/Microprocessor rules, the farmer/applicant must have grown the primary or predominant ingredient contained in the product.

Also, if you are unable to qualify under the Home-based Processor or Home-based Microprocessor provisions of HB 391, you still have the option of producing the product under a "commercial" permit. However, you will need to be aware that certain food products such as pressure-canned vegetables, salsa, relish, pickled and fermented foods, and other food products with altered pH values may be considered higher risk. Consequently, individuals who wish to engage in the production and manufacturing of this category of foods (acidified or low-acid canned foods) under a "commercial" permit will be subject to additional federal and state food safety rules. You should also be aware that additional stipulations (training/record-keeping) are also required of "commercial" seafood processing and juice manufacturing operations.

Although a number of Acidified and Low-Acid food products are produced from agricultural commodities, extra precautions are needed for the manufacture and sale of these foods in order to reduce the risk of food borne illness. Because of the way "Mother Nature" made them, and because of the way they are processed (pressure-canning, vacuum packaged, etc.), some particular food items are considered more hazardous than others. This typically depends upon the actual ingredients and formulation of the particular food product(s) produced, as well as the method of processing or production.

If you have questions about a particular food, feel free to call and ask about requirements.

Bakery Items (including Breads)

There are three ways a vendor can offer bakery goods at a market.

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Beans, canned

You can:

- 1) Obtain a Home-based Microprocessor certification if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high risk, Acidified or Low-Acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Beans, dried

You can:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

MARKETING TIP: Beans attractively packaged in a glass jar with dried herbs and a recipe to use the jar contents to make a soup or hearty dish makes an attractive value-added product for the market.

Beans, snapped

This product is considered a minimally processed, single food item that is not considered “ready to eat” and as such may be marketed without having to obtain a permit from the health department.

Some customers prefer to purchase their green beans already broken so they may simply wash them and put them in a pot to cook. This is especially true for seniors who may have limited dexterity in their fingers. Also, busy mothers may appreciate the added convenience. This product, with no further processing, may be sold at farmers’ markets if the beans are kept at the correct temperature. This can be accomplished with a cooler that has provisions (drain plug, etc.) for draining water away from the product.

The beans should be packaged in clean, unused bags, and the customer should be encouraged to wash the beans before cooking. Farmers should charge more for this product than for unbroken beans because of the extra time and equipment it involves.

Candies

You can:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow a primary ingredient that goes in the candy, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Cheese

The Home-based Processor/Microprocessor rules do not apply to dairy products, such as cheese. Consequently, all dairy products offered at a farmers’ market must be manufactured under a “commercial” permit. You are advised to contact Kentucky’s Milk Safety Branch (502-564-3340) for more information regarding the manufacture of cheese and other dairy products that are intended to be marketed to the public at farmers’ markets and other locations.

You may also purchase “commercially” manufactured cheeses for resale at a farmers’ market. The marketing of these products will necessitate proper refrigeration at the market. This can be provided by a cooler with adequate provision for drainage of melted ice. The vendor will need to contact the local health department about obtaining a retail sales permit to sell this product at the market.

Corn, canned or other processed product containing corn

You can:

- 1) Obtain a Home-based Microprocessor certification if you meet the qualifications noted under the chapter on HB 391.

- 2) If you do not grow the primary ingredient (corn), you can process this product under a “commercial” food manufacturing permit. Canned products containing corn are considered high risk, Acidified or Low-Acid foods. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Corn, shucked

This product is considered a minimally processed, single food item that is not considered “ready to eat” and as such may be marketed without having to obtain a permit from the health department.

Some customers may prefer corn already shucked. This product may be offered at farmers’ markets if kept in a cooler or other approved cold holding unit and sold the same day it is shucked. The ears should be packaged in clean, unused bags. We encourage the farmer to charge more for this product than for the unshucked corn because of the extra time and cooling equipment it involves.

Corn may NOT be removed from the cob and sold at the market without a proper permit and processing.

Fruits and Vegetables - Whole, Fresh, Uncut:

With the exception of sprouts, whole, fresh uncut fruits and vegetables may be marketed without the vendor having to obtain a permit or pay any fees. Vendors marketing these items exclusively are not routinely inspected, but may be investigated upon complaint under the Kentucky Food Drug and Cosmetic Act.

On an annual basis, however, Kentucky Department for Public Health—Food Safety Branch Inspectors do collect samples of raw agricultural produce for the purpose of routine monitoring for pesticide residues. Consequently, you may encounter one of our inspectors at your farmers’ market location from time to time.

Other minimally processed, single food items that are not considered “ready to eat,” such as snapped beans and shucked corn may also be marketed without having to obtain a permit from the health department

Fruits and vegetables, dehydrated

Properly dried vegetables and fruits can be offered at a farmers’ market. These can be great in salads or rehydrated in soups or stews. Many cooks frequently use minced dried onions and garlic. You may want to powder them for another product or to mix with herbs for rubs or herb mixes.

You can:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

MARKETING TIP: Dried products require extra care in packaging to prevent moisture uptake, especially during humid weather or rain. Take extra care to protect your product.

Herbs, Cut (not mixed or blended)

This product is considered a minimally processed, single food item that is not considered “ready to eat” and as such may be marketed without having to obtain a permit from the health department.

Consideration should be taken on how the product will be stored at the market and presented for the customer. Some vendors put herbs in water like flowers, and some bag and cool the herbs. Some are sold by weight and some by volume.

MARKETING TIP: Recipes and storage tips may be important with this product. Let customers know how to use the less well-known herbs.

Herbs, Dried and Blended

Properly dried herbs can be offered at a farmers’ market. Some herbs can be air dried but a dehydrator or oven works quicker.

You can:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Product labeling and packaging is a consideration with this product. Clean, new jars, approved plastic baggies, or other approved containers may be utilized. Look for something that can take a little weather and transporting. Labeling is important with any kind of blend. The product labels must comply with the pertinent labeling requirements of the particular rules/regulations (see above) that the product was produced under.

Remember, an accurate ingredients statement is essential so customers can avoid food allergy problems.

MARKETING TIP: Packaging and presentation can make all the difference in what price you may get for herb blends. Don't sell your product short by packaging it in cheap baggies. Use jars or water-resistant bags. Offer suggested uses and recipes for further use and future sales.

Honey

See special section on honey

Ice Cream

The Home-based Processor and Home-based Microprocessor rules do not apply to dairy products, such as ice cream. Consequently, all dairy products offered at a farmers' market must be manufactured under a "commercial" permit. You are advised to contact Kentucky's Milk Safety Branch (502-564-3340) for more information regarding the manufacture of ice cream and other dairy products that are intended to be marketed to the public at farmers' markets and other locations.

You may also purchase "commercially" manufactured ice cream for resale at a farmers' market. The marketing of these products will require proper frozen storage at the market. This can be provided by a cooler with adequate provision for drainage. However, a powered freezer unit is recommended for adequate storage of this particular product. The vendor will need to contact the local health department about obtaining a retail sales permit to sell this product at the market.

A Kentucky company is now processing "commercial" ice cream from producers' own fruit for them to sell in small containers.

Jams and jellies

There are three ways a vendor can offer jams and jellies as well as fruit butters.

You can:

- 1) Obtain a Home-based Processor or Microprocessor registration (depends on the type jam/jelly to be produced) if you meet the qualifications noted under the chapter on HB 391. NOTE: Non-fruit, vegetable/herb and no-sugar jellies require Home-based Microprocessor Certification.
- 2) If you do not grow the primary ingredient for this product, you can process under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Jerky

Jerky, as with all meat products, cannot be home processed. The processing of jerky cannot be conducted under the Home-based Processing and Home-based Microprocessing provisions of HB 391 and the Farmers' Market rules regarding home processing. All jerky products must be processed in an approved "commercial" kitchen or under USDA inspection.

If your plans are to sell wholesale (to other retailers such as convenience stores or supermarkets) or to distribute your products out-of-state via internet or through a shipping company such as United Parcel Service, the USDA would be the lead agency in assisting you with your plans as well as conducting inspections and permitting the operation. See chapter on meat sales.

In the event your plans involve the manufacture of jerky from USDA-inspected meat and exclusive direct-to-consumer (retail) sales at a farmers' market, a Retail Food Store Processing Permit would be required at the point of manufacture. The local health department in the county where the product is processed would issue this permit. As for all commercially prepared items, a prepackaged retail market permit is required to sell jerky at a farmers' market. This permit is also obtained through the local health department. As a reminder, the jerky must be made from USDA-inspected and approved meat.

Lettuce mixes

If the lettuce is removed from the head, you will have to process under one of the three options below. You may:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Consideration should be taken on how the product will be stored at the market and presented for the customer. Lettuce wilts quickly on warm summer days. Packing delicate lettuces next to ice will quickly freeze the lettuce and make it useless. You should make an effort to keep the lettuce crisp and cool while protecting it from freezing. Typically, lettuce at this point is not considered "ready-to-eat." Consequently, you should inform your consumers that the lettuce should be thoroughly rinsed prior to consumption.

Maple Syrup

Farmers may sell maple syrup at a farmers' market under one of the following three options. You can:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Meat and Poultry

More farmers’ markets than ever are adding value-added items to the vegetables and fruits that have always been the mainstay of the offerings. One of the growing areas is meat sales. Customers are seeking a local source of meat and varieties of meat they cannot purchase easily at their local store, like bison, rabbit, and free-range chicken. Producers are also seeking more of the consumers’ food dollar.

The sales and marketing of custom-processed meats and poultry is not allowed at farmers’ markets. Some enterprising farmers set up a booth at the local farmers’ market and take orders for custom slaughter, but selling individual cuts of custom-slaughtered meat is not allowed. In short, all meat and poultry that falls under the jurisdiction of USDA must have been processed under USDA inspection and bear the agency’s mark of inspection.

Some foods we tend to think of as “meat,” such as rabbit or quail, are not recognized under USDA jurisdiction. In such instances where the food is not under USDA jurisdiction, it must have been processed under a state Food Safety Branch permit in a “commercial” facility. See chapter on meat sales.

Although USDA exempts some poultry processors who raise, slaughter and sell their own product, the Kentucky Food Safety Branch still requires this category of processors to comply with state requirements for non-USDA inspected products, if the products are intended for commercial sales to restaurants or grocery stores, or are to be marketed at farmers’ markets. The Mobile Processing Unit for Small Livestock Species (MPU), operated by Kentucky State University in partnership with Partners for Family Farms, the Kentucky Department of Agriculture and the Kentucky Department for Public Health—Food Safety Branch, may be an option for some entities to comply with the “approved source” requirements for processors. For more information about this unit, contact Ms. Sue Weant at Partners for Family Farms (859-233-3056).

In short, the processing of meat and poultry, or fish, cannot be conducted under the Home-based Processing or Home-based Microprocessing provisions of HB 391 and the Farmers’ Market rules regarding home processing. Additionally, the sales or marketing of meat and poultry products at farmers’ markets will require a prepackaged retail market permit, obtained through the local health department.

Melons, cut

Producers are generally restricted from selling melons cut on-site at the farmers' market. Given the typical conditions under which these items are grown, our knowledge of foodborne illnesses attributed to improperly washed produce, the general lack of water under pressure (necessary for removing soil and pathogens prior to cutting) at farmers' markets, and lack of a pathogen kill step such as cooking, on-site cutting of melons presents pertinent food safety risks.

Vendors may, however, market melons that are thoroughly washed and cut in a "commercially" permitted kitchen, under pertinent sanitary controls. In short, cleanliness is a special concern here, especially thorough washing of the melon. Any pathogens or contaminants not washed off the outside skin of the melon will be introduced into the fruit as the knife cuts from the surface through the fruit. All cut melons must be properly refrigerated.

Mushrooms, fresh

All mushrooms must be from an approved source. Mushrooms that are wild-harvested are not approved for marketing to the public at farmers' markets or other locations. See chapter on Health Department guidance regarding mushrooms. Approved species of whole, fresh, uncut mushrooms may be marketed at a farmers' market without the vendor having to obtain a permit or pay any fees.

Mushrooms, dried/powdered

You can:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient (mushrooms), you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Note: Only cultivated, farm-fresh mushrooms may be marketed. No mushrooms gathered in the wild may be sold either fresh or dried.

Peppers, dried

Properly dried peppers may be sold at farmers' markets. You may:

- 1) Obtain a Home-based Processor registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local

- health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

While thin-skinned peppers such as all in the cayenne family and Thai family are easily air-dried, others such as habaneros, poblano, green/red chile, etc. must be dried using a dehydrator or oven. Packaging should prevent rehydrating on hot, humid days at the market.

MARKETING TIP: Selling ristras (strings of peppers) lets you add value to your peppers. If you aren’t adept at tying an authentic New Mexican ristra, try using strong thread and a needle to string the peppers together. This technique works best when the peppers are fresh. Just run the needle through the fleshy part of the cap at the top of the peppers. Add a bow or some raffia on the top and you’ve made a great product. Though many will use these strings of peppers for decoration, stick to the types of peppers that air dry well to give some “shelf life” to the string. If you treat the peppers with some type of preservative or spray, attach a label to the string notifying customers that the peppers are not edible!

Pet Foods

Though Kentucky’s Food Safety Branch does not regulate dog biscuits and other specialty pet foods, the Kentucky Commercial Feed Law requires that all commercial animal feeds be labeled for distribution. This program is administered by the Division of Regulatory Services at the University of Kentucky College of Agriculture.

Consequently, individuals who wish to manufacture dog biscuits and other specialty pet treats are required to register with the Division of Regulatory Services as well as meet specific labeling requirements of the law. For more information regarding the manufacture of pet treats, contact Steve Traylor, Coordinator of the Feed Program, at (859) 257-2785. You may also visit the Division of Regulatory Service’s web site at www.rs.uky.edu/. Additional information may be obtained by clicking on the “feed” section of the home page.

A particular consideration is that pet treats such as dog biscuits be clearly labeled as pet food. Many specialty dog biscuits look good enough to eat, particularly to a small child.

Popcorn

You may:

- 1) Obtain a Home-based Processor Registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient (corn), you can process this product under a “commercial” food manufacturing permit. You will need to contact your

local health department about obtaining a retail sales permit to sell this product at the market.

- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Relishes

You can:

- 1) Obtain a Home-based Microprocessor Certification if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high risk, Acidified or Low-Acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Salsa

You can:

- 1) Obtain a Home-based Microprocessor Certification if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high risk, Acidified or Low-Acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Sauces

You can:

- 1) Obtain a Home-based Microprocessor Certification if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a “commercial” food manufacturing permit. This food is considered a high risk, Acidified or Low-Acid food. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted “commercial” source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Sandwiches/Prepared Meals

These products must meet all health department standards for a temporary food service establishment. If you intend to engage in the sales/marketing of hamburgers, hot-dogs, grilled foods, or sandwiches contact the local health department in the county where you intend to market these products.

Seafood (Including Prawn)

Seafood, such as prawn, cannot be home-processed. The processing of this food cannot be conducted under the Home-based Processing or Home-based Microprocessing provisions of HB 391 and the Farmers' Market rules regarding home processing. As a consequence, all seafood products such as fish and prawn must be processed in an approved, state-inspected "commercial" kitchen. The Mobile Processing Unit for Small Livestock Species (MPU), operated by Kentucky State University in partnership with Partners for Family Farms, the Kentucky Department of Agriculture and the Kentucky Department for Public Health—Food Safety Branch, may be an option for some entities to comply with the "approved source" requirements for seafood processors. For more information about this unit, contact Ms. Sue Weant at Partners for Family Farms (859-233-3056).

In short, the processing of seafood, including fish and prawn, cannot be conducted under HB 391 and the Farmers' Market Home Processing rules. Additionally, the sales or marketing of seafood products at farmers' markets will require a prepackaged retail market permit, obtained through the local health department.

Sorghum

Farmers or vendors can sell sorghum at a farmers' market under one of the following three options. You can:

- 1) Obtain a Home-based Processor registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

Sprouts

Sprouts (such as alfalfa, etc.) have been implicated in a number of foodborne outbreaks in recent years, including Salmonellosis and E. coli 0157:H7. Kentucky's Home-based Processing/Home-based Microprocessing rules do not recognize sprouts as an "approved" food for non-commercial marketing. As a consequence, the production, sales and marketing of seed sprouts will require a "commercial" permit to operate. For more information contact the Kentucky Food Safety Branch at (502) 564-7181.

MARKETING TIPS: Customers may need help understanding how to use these products. Recipes and storage information should be offered.

Make efforts to keep product dry at the market as well as in storage.

Tomatoes, sundried

Properly dried vegetables and fruits can be offered at a farmers' market.

You can:

- 1) Obtain a Home-based Processor registration if you meet the qualifications noted under the chapter on HB 391.
- 2) If you do not grow the primary ingredient, you can process this product under a "commercial" food manufacturing permit. You will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.
- 3) Buy already processed product from a permitted "commercial" source. Again, you will need to contact your local health department about obtaining a retail sales permit to sell this product at the market.

These can be great in salads or rehydrated in soups or stews. Many cooks frequently use minced dried onions and garlic. You may want to powder them for another product or to mix with herbs for rubs or herb mixes.

Note: Storing produce, including tomatoes, in oil is not allowed under the Home-based Processing/Microprocessing rules because of increased food safety risk.

MARKETING TIP: Dried products require extra care in packaging to prevent moisture uptake, especially during humid weather or rain. Take extra care to protect your product.

More....

The above list is intended to serve as general guidance regarding the rules/regulations for manufactured food sales at farmers' markets. The above guidelines are not intended to replace official laws and regulations which govern the manufacture and sales of the above-noted products. Consequently, there may be instances when a particular product or specific method or manufacturing process can not be approved.

Additionally, the manufacture and marketing of food products at a farmers' market or other location is not approved until the manufacturer and/or vendor obtains all necessary permits and inspections relative the product being manufactured and marketed. Remember, all foods sold or marketed at a farmers' market must be from an approved source. For this reason, prior to the manufacture and marketing of these products, all prospective vendors are advised to contact pertinent federal/state/local health department personnel to obtain all required permits, registrations and certifications. Market

managers/boards should also be consulted prior to the marketing of processed food products at a farmers' market.

There are many more products being offered at farmers' markets and the above list is not all inclusive. The particular regulations for other products will be added as we are made aware of them. Be sure to let us know what further products you would like included for next year's manual.